

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT AND WEST END SELPA.

OAH CASE NO. 2012101127

ORDER GRANTING FIRST REQUEST
FOR CONTINUANCE AND SETTING
MED/PHC/HRG

On November 27, 2012, the parties filed a first stipulated request to continue all dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation: December 20, 2012 at 9:30 AM

Prehearing Conference: January 16, 2013 at 10:00 AM

Due Process Hearing: February 4-7, 2013 at 1:30 PM first day, 9:00 AM additional days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[The continuance request did not include February 5, 2013 as a hearing date. However, given the general need for continuous hearing days, OAH has set the matter for hearing on that date. If a party has a good cause reason to be dark for all or part of that date, they should raise the issue in the PHC statement and discuss accommodating their needs with the hearing ALJ.]

IT IS SO ORDERED.

Dated: November 28, 2012

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings